ATTACHMENT A

Statement of Facts – *United States v. Kevin Heiting*

The United States and the Defendant stipulate and agree that if this case proceeded to trial, the United States would prove the facts set forth below beyond a reasonable doubt. They further stipulate and agree that these are not all of the facts that the United States would prove if this case proceeded to trial.

At all times relevant to this case, the Defendant, **KEVIN HEITING** ("**HEITING**"), was a resident of Aspen Hill or Silver Spring, Maryland.

On May 19, 2016, a federal search warrant was executed at **HEITING's** residence at 3900 Chesterwood Drive in Silver Spring, Maryland. Various electronic devices were seized at execution of the warrant, including:

- A black generic tower computer, serial number VN700M1W2NEA001585;
- An Apple iPhone 6 plus, with IMEI 35206606891345;
- Two Maxtor hard disk drive with serial numbers Y491SCCE and Y4919CRE;
- A Maxtor external hard drive with serial number XXXRWE;
- A Seagate 2TB external hard drive with serial number 2GHNFYC2;
- A Sony 40GB hard drive with serial number XXXQSE;
- A Western Digital MyBook External hard disk drive with serial number XXX4259;
- An Acer Laptop LXPGU021099462B5A21601, made in China; and
- An Acer 5750 Series Laptop with serial number LXR970216612245EE41601, made in China.

A forensic analysis of the 2TB Seagate external hard drive, serial number 2GHNFYC2, that was attached to the black generic computer tower at the time the search warrant was executed revealed in excess of 17,913 video files and 405,071 image files, many of which depicted children engaged in sexually explicit conduct, including prepubescent children under the age of 12 years old, and specifically infants and toddlers. The files were in a folder labeled "incoming" and in subfolders labeled "b+b," "b+m," "ba," "g+b," "g+g," "g+w," "g+m," "pic," "unchecked," "unseen1," "unseen2," "unseen3," "unseen4," "unseen5," and "unseen7." The sexually explicit conduct depicted in the files includes oral sex, anal sex, vaginal sex, bondage, and masturbation.

A peer-to-peer files sharing program from **HEITING's** computer revealed that **HEITING** shared over 100,000 files between June 8, 2014 and January 6, 2015. The peer-to-peer program creates a hash value for each user. There were thousands of client hashes that connected to **HEITING's** computer and downloaded files from **HEITING's** ACER 5750 series laptop. **HEITING** both received and distributed child pornography using the ACER 5750 series laptop.

For example, on September 6, 2014, **HEITING** used the peer-to-peer program to receive a file entitled "pthc 2010 kait 5yo clit, 'gina, Asshole.wmv," a video that is approximately six minutes and 25 seconds long and depicts an adult male performing oral sex on a naked prepubescent female.

On September 28, 2014, **HEITING** used the peer-to-peer program to distribute a file entitled "5yo anal sex.wmv," a video file that is approximately 43 seconds long and depicts a prepubescent female on her hands and knees, naked from the waist down being anally penetrated by an adult male's penis.

After the search warrant was executed on May 19, 2016, the Defendant that same afternoon purchased a new Dell Inspiron 11-3153 laptop computer from Best Buy.

On or about August 4, 2016, **HEITING** traveled to Central America from Maryland with the Dell Inspiron 11-3153 laptop computer that **HEITING** had used to run the peer-to-peer program and conduct chats with a minor. On or about August 9, 2016, the Dell Inspiron 11-3153 laptop computer was detained in Atlanta when **HEITING** arrived back in the country from his trip to Central America.

A federal search warrant was executed on the Dell Inspiron 11-3153 laptop computer. Forensic analysis of the Dell laptop revealed that the Defendant again began downloading and sharing child pornography images using the peer-to-peer program. At least some of those images were uploaded to other peer-to-peer users on July 8, 2016. For example, a file entitled "boy +man 2-4 years toddler boy old-asshole fuck.avi," a video that is approximately four minutes and sixteen seconds long and depicts a child's pants pulled down and diaper pulled aside with the child bent over at the waist and an adult male's penis is penetrating the child's anus.

In addition, records of TOR chats from the Dell laptop revealed that **HEITING** was communicating with numerous individuals who claimed to be and whose screennames appear to have been for minors. For example, from June 25, 2016 through July 7, 2016, **HEITING** contacted a 14-year-old boy, Victim A, over Torchat, an anonymized, end-to-end encrypted, dark web chat application. Enticed and persuaded by **HEITING**, Victim A sent **HEITING** images and video depicting Victim A masturbating. Victim A – to prove to **HEITING** that Victim A was who he said he was – sent a picture of himself holding up three fingers with one hand and two fingers with the other hand as **HEITING** had requested. Victim A also referred to himself as being 14 years old and as being a "minor" in the chats. Among other things, **HEITING** discussed with Victim A the fact that a search warrant had been executed at **HEITING's** house, that **HEITING** had used the peer-to-peer network to acquire child pornography, and that **HEITING** had collected child pornography since **HEITING** was nine years old.

Subsequent to being charged by a federal grand jury in this case, **HEITING** was placed on pretrial release conditions which forbade him from possessing internet capable devices. On February 1, 2017, law enforcement agents executed a search warrant at **HEITING's** residence. Agents recovered a Lenovo Thinkpad laptop computer, two 5TB hard drives, and three USB thumb drives that had been hidden by **HEITING** inside an air purifier cabinet. Initial forensics of the Lenovo Thinkpad reveal that it contained a peer-to-peer program and the TOR browser. The Lenovo Thinkpad was last accessed on February 1, 2017 at approximately 8 a.m.

HEITING knowingly received, distributed, and transported child pornography. **HEITING** knowingly communicated with Victim A for the purpose of encouraging and enticing Victim A to produce child pornography.

I have read this Statement of Facts, and have carefully reviewed it with my attorney. I understand it, and I voluntarily agree to it. I do not wish to change any part of it. I acknowledge that it is true and correct.

02/02/2017
Date

Kevin Heiting

I am Kevin Heiting's attorney. I have carefully reviewed every part of this Statement of Facts with him. To my knowledge, his decision to sign it is an informed and voluntary one.

2/2/17
Date

Douglas Miller, Esq.
Laura Abelson, Esq.